



STORAGE NAME: h1075.CLAM

DATE: March 2, 2006

**Florida House of Representatives
Committee on Claims
Summary Claim Bill Report**

Bill #: HB 1075
Sponsor: Rep. Seiler
Companion Bill: SB 1960 by Sen. Haridopolos
Special Master: Stephanie Birtman, Esq.

Basic Information:

Claimants: Ashraf Kamel, as father and personal representative of the Estate of Jean A. Pierre Kamel, and Marguerite Dimitri, mother of Jean A. Pierre Kamel.

Respondent: Palm Beach County School Board

Amount Requested: \$360,000 as a result of a settlement agreement for a total of \$560,000, \$200,000 of which has already been paid pursuant to s. 768.28, F.S.

Type of Claim: Equitable, based on a settlement agreement.

Respondent's Position: Does not oppose the claim bill.

Collateral Sources: None.

Attorney's Fees: The claimant's attorney has provided documentation verifying that attorney fees are capped at 25% in accordance with s. 768.28, F.S. Lobbying fees are included within the 25%. Costs total \$1,158.84.

Prior Legislative History: HB 1353 (2004) was filed by Rep. Seiler, and died in the Subcommittee on Claims. The Senate companion, SB 38 by Senator Dawson died on the Senate calendar. At that time the claim had not yet been settled and was highly contested.

HB 771 (2005) was again filed by Rep. Seiler. After the claim settled in March, 2005, the Claims Committee adopted a Committee Substitute reflecting the settlement. The bill died in the Choice and Innovation Committee. SB 44 (2005) by Sen. Dawson was never considered in any Senate Committee.

Procedural Summary: On May 21, 1999, Ashraf Kamel, on his own behalf and as personal representative of the estate of Jean Pierre Kamel, filed a wrongful death suit against the Palm Beach County School Board. The case was tried in the Fifteenth Judicial Circuit, and the jury returned a verdict for a total of \$2,003,000 finding the Palm Beach County School Board 80% negligent and Jean Pierre 20% negligent. The final judgment was reduced to \$1,602,400 based on the comparative negligence offset. The shooter, Tronneal Mangum, was not included on the jury verdict form; thus the jury had no opportunity to apportion any fault to the intentional criminal tortfeasor.¹ The School Board's motions for directed verdict and/or new trial were denied. On appeal the Fourth District Court of Appeal affirmed the case per curiam.² After the trial, the parties entered into a settlement agreement wherein the Palm Beach County School Board agreed to pay Ashraf Kamel and Marguerite Dimitri a total of \$560,000. Of this amount, \$200,000 has already been paid pursuant to s. 768.28, F.S., leaving \$360,000 to be paid via claim bill.

Facts of Case: On Monday, January 27, 1997, Jean Pierre Kamel, a 13-year old student at Conniston Middle School in West Palm Beach, arrived at school on his bike. At 8:40 a.m., while standing in front of the school, he was shot to death by Tronneal Mangum, a 14-year old classmate. The students were on city property at the time of the shooting. Tronneal Mangum was suspended from school, tried as an adult and sentenced to life without parole. He refuses to disclose where or how he obtained the gun used to kill Jean Pierre. The shooting was allegedly over the trade of an expensive watch traded by Jean Pierre to Tronneal Mangum in exchange for a bike, after Jean Pierre decided he wanted the watch back. On the Thursday before the shooting Tronneal kicked Jean Pierre in his prosthetic leg; the Assistant Principal met with both students, gave Tronneal a detention, and resolved the issue by Tronneal agreeing to bring the watch to school on Monday and deliver it to a school administrator. Jean Pierre did tell his math teacher on the Friday before the shooting that "Tronneal is after me." The teacher testified that Jean Pierre did not want to talk to an assistant principal, or tell his father, and that he did not seem scared or upset. The teacher did not report the conversation because Jean Pierre told her that the problem had been taken care of.

SM: _____ SD: _____ Date: _____
Stephanie O. Birtman Stephanie O. Birtman

¹ Section 768.81(4)(b), F.S., and Merrill Crossings Associates v. McDonald, 705 So.2d 560 (Fla. 1997).

² Palm Beach County School Board v. Kamel, 840 So.2d 253 (Fla. 4th DCA 2003), rehearing denied (Mar. 20, 2003).